



# MIAMI BEACH

## City Commission Meeting

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
May 14, 2008**

Mayor Matti Herrera Bower  
Vice-Mayor Saul Gross  
Commissioner Jerry Libbin  
Commissioner Richard L. Steinberg  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

### ***Times based on the digital recording in the City Clerk's Office.***

- PA1 Proclamation/National Beach Safety Week & Rip Current Awareness Week. (Bower)
- PA2 Certificates of Appreciation/Employee of the Month "At Your Service" Award Winners.
- PA3 Certificates of Appreciation/Participants & CARD Volunteers, Camp for Children w/Autism. (Bower)
- PA4 Proclamation/National Public Works Week & Services Provided by Public Works Department.
- PA5 Presentation by Bill Talbert from the GMCVB on the State of the Tourism Industry.
- PA6 Proclamation/Senator Gwen Margolis for Years of Service in the Florida Senate. (Steinberg)
- PA7 Certificate of Recognition/Gabriela Lins, Green Peace Project. (Bower)
- PA8 Certificates of Recognition/Miami Beach Schools, Spirit of Excellence Award 2007-2008. (Bower)
- PA9 Certificates of Recognition/Silver Knight Awardees from Miami Beach Senior High. (Bower)
- PA10 **W**-Certificates of Recognition/Valedictorian & Salutatorian Students from MBSH. (Bower)
- PA11 Certificates of Recognition/Retiring Teachers. (Bower)
- PA12 Key to the City/Darwin Michael Rivera, Michael O. Ford & Stephen Foren, Military Service. (Libbin)
- PA13 Certificates of Appreciation/MB Ocean Rescue Life Savors "Climb Miami" Competition. (Libbin)
- PA14 Certificates of Appreciation/MB Police Department Team, "Climb Miami" Competition. (Libbin)
- PA15 Proclamation/National Safe Boating Week & Promote a Year to Safe Boating. (Bower)
- PA16 **New Item:** Proclamation/Enid Weisman, Region II Superintendent, M-DC Public Schools. (Bower)
- PA17 **New Item:** Certificate of Appreciation/Tamra Sheffman & Kristen Jurn, Air Race Classic 2008.(Bower)
  
- C2A Issue RFQ No. 27-07/08, Governmental Consulting Services in Tallahassee, Florida.
- C2B ITB No. 08-07/08, Floating Aerator/Decorative Water Fountain at MB Golf Club, \$71,000.
- C2C Issue RFQ, Design of Miami Beach Convention Center Campus Master Plan.

- C4A Ref: Neighborhoods/Community Affairs Committee - North Beach Local Bus Route. (Wolfson)  
 C4B Ref: Neigh./Community Affairs Comm. - Golf Clinic for Children of Low Income. (Wolfson)  
 C4C Ref: Neigh./Community Affairs Comm. - Assist Elderly through Part Time Jobs. (Wolfson)  
 C4D Ref: Neigh./Community Affairs Comm. - Placing a Tot Lot on Biscayne Point. (Wolfson)  
 C4E Ref: Neigh./Comm. Affairs Comm. - Co-Naming Streets in Honor of Fallen Officers. (Steinberg)  
 C4F **11:15 a.m.** Ref: Neighborhoods/Community Affairs Comm. - Artist Vendor Ordinance. (Gross)  
 C4G Ref: Neighborhoods/Community Affairs Committee - Discussion on Pedicabs.  
 C4H Ref: Neighborhoods/Community Affairs Committee - Street Vendors. (Weithorn)
- C6A Report: G.O. Bond Oversight Committee Meeting on April 7, 2008.  
 C6B Report: Land Use & Development Committee Meeting on April 14, 2008.  
 C6C Report: Finance & Citywide Projects Committee Meeting on April 21, 2008.  
 C6D Report: Neighborhoods/Community Affairs Committee Meeting on April 30, 2008.
- C7A Declare Parking Emergency for Various Events in Miami Beach.  
 C7B Execute Perpetual Exclusive Utility Easement to FPL, New World Symphony Project.  
 C7C Approve & Endorse a Sister City Affiliation w/ the City of Brampton, Ontario, Canada. (Bower)
- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Amend "Affordable Housing Advisory Committee."  
 R5B **10:30 a.m. 2<sup>nd</sup> Rdg**, Amend "Hybrid/ILEV Vehicles Incentive" Ordinance. (Steinberg)  
 R5C **5:01 p.m. 2<sup>nd</sup> Rdg, Open/Cont.** Urban Light Industrial District (I-1). **5/7**  
 R5D **1<sup>st</sup> Rdg**, Amend "Use of Position to Secure Special Privileges." (Bower)  
 R5E **5:01 p.m. 1<sup>st</sup> Rdg**, Adoption by Reference; Noises; Unnecessary/Excessive Prohibited."
- R7A **10:20 a.m. 1<sup>st</sup> Rdg, Open/Cont.** Approve Dev. Agmt, ROW Improv. on Lenox Ave. & 6<sup>th</sup> St.  
 R7B **10:45 a.m.** Approve Naming North Shore Youth Ctr. Auditorium after Joe & Flora Fontana.  
 R7C **11:00 a.m.** Approve Purchase of Flood/Windstorm & Boiler/Machinery Insurance.  
 R7D **11:05 a.m.** Accept Recommendation, Implement a Self-Insured Group Health Plan.  
 R7E Approve Contract w/ Miami-Dade County, Provide Rendition of Water Service  
 R7F Execute 1<sup>st</sup> Amendment to HOME Agmt w/ MBCDC, 530 Meridian Ave. Rental Housing.  
 R7G Execute Amendment No. 2, Nautilus ROW Infrastructure Improvement Project.  
 R7H Execute Easement Agreement, Sea Wall Along North Side of Fisher Island.  
 R7I **5:15 p.m.** Call for a Special Election, Comprehensive Plan Amendments.  
 R7J **Joint**, Accept Findings/Recommendation, Restore Washington Avenue Bridge.
- R9A Board & Committee Appointments.  
 R9A1 Board & Committee Appointments - City Commission Appointments.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C **11:30 a.m.** Presentation by FDOT - Alternative Design Options for Alton Road Project.  
 R9D **5:20 p.m.** Discuss: Conversion of Above Ground Utilities to Undergrounding.
- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report on New Fire Station No. 2.  
 D Status Report on Normandy Shores Golf Course & Facilities.  
 E Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.  
 F Update on Public Baywalk.  
 G Report on the 2008 Session of the Florida Legislative.  
 H1 Minutes: MPO Governing Board Meeting on March 20, 2008. (Steinberg)  
 H2 Minutes: M-DLC Meetings on March 6, 2008 & April 3, 2008. (Steinberg/Weithorn)
- REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**  
 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe-March 2008.  
 2A **Joint**, Approve Appropriation of Funds, Restore Washington Avenue Bridge.

Meeting called to order at 9:31:39 a.m.

Students from Feinberg-Fisher Elementary School's choir and orchestra performed.

Olga M. Figueras, Principal at Feinberg Fisher Elementary School, thanked the City Commission, the City Manager, the choir and orchestra teachers and students. She stated that this city supports education.

Invocation given by Father Estrada, from St. Joseph's Catholic Church.

Pledge of Allegiance led by Leeanne Drucker, a student from Feinberg-Fisher Elementary and a member of the orchestra.

**SUPPLEMENTAL MATERIALS:**

**R5E (Revised Title, Memorandum and Ordinance), R7F (Resolution), R7I (Memorandum and Resolution), R7J (Agreement), and R9C (Revised Title and Resolution)**

**Presentations and Awards**

**10:55:35 a.m.**

PA1 Proclamation To Be Presented In Honor Of National Beach Safety Week, May 19-26, 2008 And Rip Current Awareness Week, June 1-7, 2008.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Item heard in conjunction with item PA13. Proclamation presented.

**11:21:57 a.m.**

PA2 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service" Award Winners For March And April 2008.

(City Manager's Office)

**ACTION:** Certificates presented.

Jorge Gonzalez, City Manager, gave an overview of the "At Your Service Award" Program and introduced the winners for the months of March and April, Jenny Velazquez and Deborah Doty, both from the Police Department, who participated and coordinated the Children to Work Day event.

Raymond Martinez, Assistant Chief of Police, explained that Jenny and Deborah did excellent work in producing this successful citywide event.

Jennifer Velazquez from the Police Department thanked contributors, Apple Bee, Bobby Jenkins, Tremont Towing, Brothers Vending and PAL.

**9:50:45 a.m.**

PA3 Certificates Of Appreciation To Be Presented To The University Of Miami/Nova Southeastern University Center For Autism And Related Disorders (CARD), The Youth Participants And CARD Volunteers In Recognition Of The First Annual Spring Break Surf Camp For Children With Autism Offered In Partnership With The City's Parks And Recreation Department The Week Of March 31, 2008.

(Parks & Recreation)

**ACTION:** Certificates presented.

**Surfers:**

Robert Beccera, Andres Maspons, Binyamin Farmer, Jordan Saruski, David Bennett, Javier Gonzalez, Ryan Martinez, Evan Langston, Jonathan Goldberg, Jacob Herman, and Jimmy Billardon.

**Volunteers:**

Katharina Limberg, Andrea Bennett, and Teresa Becerra.

Kevin Smith, Parks and Recreation Department Director, thanked the City Commission for the opportunity of bringing this program to their attention and added that it was an amazing effort between the community, the University of Miami, sponsors and team members from the City. He showed a video of the program.

Hilda Matrani spoke on behalf of the parents.

Julio Magrisso, Assistant Parks and Recreation Director, recognized City staff: Cindy Casanova, Edith Guerra, Warren Green, Rafael Ruiz, Alex Montero, Bernardo Prado, Felix Abreu, Natasha Danskin, Pedro Monteagudo and Tommy Milz. In addition, he recognized the University of Miami staff: Marie Carmen Sabrera, Jamie Green and Michelle Costa.

Jorge Gonzalez, City Manager, thanked the City Commission for giving the Administration the opportunity to reach out to the community and recognized Mayor Bower for her strong advocacy of the Parks Department and giving everyone a chance to participate; he also recognized Kevin Smith and Julio Magrisso for bringing this idea to him and added that it could not have happened without the support of the City Commission.

Mayor Bower stated that she is grateful that the Parks and Recreation Department is coming up with new ideas and programs that everyone can participate.

**11:26:26 a.m.**

PA4 Proclamation To Be Presented In Recognition Of National Public Works Week And The Services Provided By Public Works Department.  
(Public Works)

**ACTION:** Proclamation presented.

Jorge Gonzalez, City Manager, explained the need and the important job the Public Works Department performs and recognized the contributions of these men and women.

Fred Beckmann, Public Works Director, stated that this year's theme is "The Future is Now" and emphasizes the vision of Public Works in the future. In the City of Miami Beach hundreds of dollars are being invested in replacing and operating old infrastructures and building new ones; which is important to sustain the quality of life. On behalf of the men and women of the Public Works Department he thanked the Commission for the recognition.

Commissioner Wolfson thanked Mr. Beckmann for his hard work.

**11:31:46 a.m.**

PA5 Presentation By Bill Talbert From The Greater Miami Convention And Visitor Bureau, On The State Of The Tourism Industry.  
(Tourism & Cultural Development)

**ACTION:** Presentation made.

Bill Talbert, President and CEO of the Greater Miami Convention and Visitor Bureau, stated that the week of May 10-18, 2008 is proclaimed as National Tourism Week in the nation and gave a verbal report. He thanked the City Commission for their support and partnership, and stated that they had record summer tourism in Miami Beach last year, adding that Miami Beach ranked No. 2 behind New York City in the first quarter in occupancy.

Commissioner Libbin read from a handout that a record 12 million overnight visitors contributed to local business and employment; \$17.1 billion were spent on lodging, food, shopping, transportation and entertainment; a record \$121 million in tourist related taxes was generated by visitors, and a record 102,100 individuals were employed by the visitor industry.

**10:08:08 a.m.**

PA6 Proclamation To Be Presented To Senator Gwen Margolis For Her Years Of Service In The Florida Senate.

(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Proclamation presented.

Commissioner Steinberg introduced Senator Gwen Margolis who has served this community for the past 34 years; he gave a background of her political history and added that in 1990 she became the first female to become President of the Florida Senate and more remarkably, the first female President of any Senate in the entire country. She is truly a woman who can accomplish what she wants and encouraged the students in the audience to follow her lead. It is a great honor on behalf of Mayor Bower and the entire Commission to welcome Senator Margolis and proclaimed this day "Senator Gwen Margolis Day" in the City of Miami Beach.

Senator Gwen Margolis stated that she always enjoyed representing the City of Miami Beach and appreciates the recognition and intends to continue serving in another capacity.

**10:42:56 a.m.**

PA7 Certificate Of Recognition To Be Presented To Gabriela Lins, Freshman Student At Miami Beach Senior High, For Creating The Green Peace Project And The Beautiful Peace Garden In Her School.

(Requested By Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Mayor Bower introduced Gabriela Lins and explained her project.

**10:24:24 a.m.**

PA8 Certificates Of Recognition To Be Presented To The Miami Beach Elementary, K-8 Schools, Middle School And High School PTA/PTSA Presidents, Administrators, Teachers And Students For Their Dedication And Hard Work To Achieve The Spirit Of Excellence Award During The School Year 2007-2008.

(Requested By Mayor Matti Herrera Bower)

**ACTION:** Item heard in conjunction with items PA9 and PA11. Certificates presented.

Mayor Bower introduced the item and read the name of the students.

#### **Biscayne Elementary**

Alexandra Brown – PTSA President, Nelson Villatoro – PTSA Treasurer, Rosibel Mena – PTSA Vice President, Monica Leguizamon – PTSA Vice President, Rafael Oviedo – Teacher and PTSA Recording Secretary, Miriam Saavedra – Teacher and PTSA Vice President, Vivianna Padron – Teacher, Susan Sawczuk – Teacher, Tina Arenas – Teacher, Iris Garcia – Teacher, Stephanie Rolle – Teacher, Roslyn Jaffe – Counselor, Lois Cochran - Retiring Teacher, Steven Baldizon – Student, Daniela Guerra – Student, Candida Galvan – Student, and Mercedes Leguizan – Student.

#### **Feinberg-Fisher K-8 Center**

Michele Khatmor - PTA President, Juliana Rangel – PTA Vice Treasurer, Vickie Wilson-Johnson - Teacher of the Year, Lisa Barron - *Elayne Weisburd Excellence in Education Award*, Kathleen Cattie - Environmental Teacher of the Year, Michele Ross - Retiring Teacher, Jasmine Rose and Sebastian Castillo – Students - Represented the school in the Connect to Congress visit to Washington DC.

**Ruth K. Broad Bay Harbor K-8 Center**

Loretta Mufson - PTA President, Janice Thomas - EESAC Chair, Olga Tourget - Teacher of the Year, Evelyn Lampner - Quality in Education Council Member, Roxie Zusmer - Counselor, and Susan DeLeon - Counselor

**South Pointe Elementary**

Carmen Santamarina - P.T. A. President, Melanie Fishman - Principal, Rachelle Arkin - Fifth Grade Self Contained Gifted Teacher, and Aaron Perl - Student 5<sup>th</sup> Grade.

**Treasure Island Elementary**

Toniann Diaz - PTA President, Sonia Cruz - Administrator, Marie Davis - Teacher-Spirit of Excellence Award, Mario George - Student-Spirit of Excellence Award, and Bianca Obdeus - Student-Spirit of Excellence Award.

**Nautilus Middle School**

Leslie Collier, PTSA President, Roberta Kaiser, Retiring Media Specialist, Charles McCoy, Retiring Social Studies Teacher, Avis Brown, Retiring Counselor, Nadine Goldberg, Student Government President, and Jason Albert, Student Government Vice President.

**Miami Beach Senior High School**

Karen Rivo - PTA/PTSA President, Dr. Rosann Sidener - Principal, Jodi Robins - Assistant Principal, Miguel Flores - Assistant Principal, Ramon Patrice - Assistant Principal, Tonya Alvarez - Retiring Teacher, Ed Cobin - Retiring Teacher, Juan Camarotti - Retiring Teacher, Pat Felts - Retiring Teacher, Leslie Granberry - Retiring Teacher, Irene Kalogeras - Retiring Teacher, Gerald Klein - Retiring Teacher, Jon Page - Retiring Teacher, Estela Puentes - Retiring teacher, Ryan Cabana - Art Student - Silver Knight Nominee, Ashley Casal - Business Student - Silver Knight Nominee, Caroline Kaine - English Student - Silver Knight Nominee, Juliana Crump - Foreign Language Student - Silver Knight Nominee, Claire Austin - Journalism Student - Silver Knight Nominee, Leanna Rodriguez - Mathematics Student - Silver Knight Nominee, Neymi Orozco - Music Student - Silver Knight Nominee, Talia Robledo-Gil - Science Student - Silver Knight Nominee, Yvette Ramirez - Social Science Student - Silver Knight Nominee, Stephen Byrnes - Speech Student - Silver Knight Nominee, Odin Porras - Vocational Technical Student, Yvette Ramirez - Student Government President, and Ashley Casal - Senior Class President

**Announcement:**

Commissioner Weithorn announced that Karen Rivo, President of Miami Beach Senior High School PTA, has been named Dade County Volunteer of the Year.

Commissioner Steinberg recognized Doug Burris and Ed Cobin for their involvement with the students.

- PA9 Certificates Of Recognition To Be Presented To The Silver Knight Awardees Students, The Student Government President, And The Senior Class President From Miami Beach Senior High.  
(Requested By Mayor Matti Herrera Bower)

**ACTION:** Item heard in conjunction with items PA8 and PA11. Certificates presented. See item PA8 for details.

- PA10 Certificates Of Recognition To Be Presented To Valedictorian And Salutatorian Students From Miami Beach Senior High.  
(Requested By Mayor Matti Herrera Bower)

**ACTION:** Item withdrawn.

- PA11 Certificates Of Recognition To Be Presented To Retiring Teachers.  
(Requested By Mayor Matti Herrera Bower)

**ACTION:** Item heard in conjunction with items PA8 and PA9. Certificates presented. See item PA8 or details.

**10:55:35 a.m.**

- PA12 Key To The City To Be Presented To Darwin Michael Rivera, U.S. Air Force And Michael O. Ford, U.S. Army, And Stephen Foren, U.S. Army Reserve In Appreciation For Their Military Service.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Keys presented.

Commissioner Libbin introduced key recipients and gave a background history of each individual.

Stephen Foren spoke.

Michael O. Ford spoke.

Darwin Michael Rivera spoke.

**11:08:19 a.m.**

- PA13 Certificates Of Appreciation To Be Presented To The Miami Beach Ocean Rescue Life Savors For Their Participation And Victory In The "Climb Miami" Competition.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificates presented. Item heard in conjunction with PA14.

Commissioner Libbin introduced the item and added that out of 80 teams, the Miami Beach Ocean Rescue Team came in first place while the Police Team came in eighth place; the fastest climber for the 3<sup>rd</sup> year in a row was Boban Rankovic (7 min, 41 sec); 2<sup>nd</sup> place, lifeguard Rafael "Rafa" Reig (8 min. 6 sec.) and Bill Geddes came in 3<sup>rd</sup> place (9 min. and 10 sec). He thanked all the participants.

Richard McKinnon, President of Communications Workers of America (CWA), announced that Governor Crist proclaimed May 19-26 "Beach Safety Day" and June 1-7 "Rip Current Awareness Day."

Team captain Bill Geddes distributed bracelets with their slogan "Swim Near a Lifeguard."



**11:05:02 a.m.**

PA14 Certificates Of Appreciation To Be Presented To The Miami Beach Police Department Team For Their Participation And Victory In The "Climb Miami" Competition.  
(Requested by Commissioner Jerry Libbin)

**ACTION:** Certificates presented. Heard in conjunction with PA13.

**11:15:33 a.m.**

PA15 Proclamation To Be Presented In Honor Of National Safe Boating Week, May 17-23, 2008 And Promote A Year Round Effort To Safe Boating.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Proclamation presented.

Eric Goldman, North Beach resident and member of the Marine Authority Board, accepted the proclamation.

**10:46:19 a.m.****New Item:**

PA16 Proclamation To Be Presented To Enid Weisman, Region II Superintendent, MDC Public Schools Who Is Retiring This Year.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Proclamation presented.

Mayor Bower explained that Ms. Weisman has been involved in the education system for 33 years, and for her contributions and accomplishments she proclaimed today "Enid Weisman Day" in the City of Miami Beach.

Enid Weisman stated that the Miami Beach school principals should be commended for their dedicated work and recognized Lourdes Jimenez, Director of Miami Beach Feeder Pattern, for her contributions.

Lourdes Jimenez spoke on behalf of the students.

Gerald Blumstein, representing Dr. Martin Karp, School Board member, thanked the City Commission for their support.

**New Item:**

PA17 Certificates Of Appreciation To Be Presented Tamra Sheffman and Kristen Jurn, For Participating in the Transcontinental All Women's Classic Race.

**ACTION:** Certificates presented.

Tamra Sheffman, Air Race 2008 pilot, thanked the City Commission for the recognition and encouraged students to learn about the program, which was distributed to school representatives. She gave a history of the All-Women's Air Race.

**11:38:31 a.m.**

Mayor Bower congratulated Israel on their 60<sup>th</sup> anniversary as a country.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Weithorn to approve the Consent Agenda; seconded by Commissioner Libbin; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

**11:53:10 a.m.**

C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 27-07/08, For The Provision Of Governmental Consulting Services In Tallahassee, Florida.  
(Economic Development)

**ACTION:** Item separated by Jorge Gonzalez, City Manager. See referral below. **Request authorized as amended.** Motion made by Vice-Mayor Gross; seconded by Commissioner Wolfson; Voice vote: 7-0. Gus Lopez to issue the RFQ. Kevin Crowder to handle.

**Amendment:**

1. Include "price"
2. Subject subcontractors/Assignments of contracts to ethic ordinance in the RFQ

**End**

Jorge Gonzalez, City Manager, stated that the Finance and Citywide Projects Committee (FCWPC) recommended going forward with the RFQ since it has been more than ten (10) years since it was last bid. The Committee also recommended including "price" as an evaluation criteria. The package did not include "price" as an evaluation criteria and it will be added. He added that during agenda review it was requested to clarify that subcontractors to the successful bidders will also be held to the same criteria in the vendor/lobbyist ordinances. An ordinance change will be required so in the future all RFP's/RFQ's will have this same requirement. **Kevin Crowder to handle.**

Jose Smith, City Attorney, stated that language will be added to the ordinance to cover subcontracts, joint ventures and assignments of contracts to make them subject to the vendor/lobbyist ordinance. The RFQ needs to add all of the language of the ethic legislation to apply to subcontractors or assignments of a contract. He also stated that the definition of "vendor" needs to be broadened. **Legal Department to handle.**

Kevin Crowder, Economic Development Director, spoke about the timetable for lobbying activities.

Vice-Mayor Gross stated that the City wants a lobbyist who is established with pre-existing institutional relationships. He request information on what other municipalities are paying for their lobbyists. **Kevin Crowder to handle.**

Jose Smith, City Attorney, stated that part of the RFQ should include language stating that the ordinance will apply to this RFQ even though the ordinance has not been amended.

Raul Aguila, Deputy City Attorney, explained that there will be a provision written into the contract stating that any subcontractor will be held to the same standard.

Jorge Gonzalez, City Manager, stated that the RFQ includes language that subcontractor/assignment of contract are subject to the ethics ordinance as a contractual requirement and suggested referring to the Neighborhoods/Community Affair Committee the discussion of an ordinance change. **Vivian Guzman to place on the Committee Agenda and Legal to handle.**

- C2B Request For Approval To Award A Contract To Deangelo Brothers, Inc. D/B/A Aquagenix, Pursuant To Invitation To Bid (ITB) No. 08-07/08 For The Purchase And Installation Of A Floating Aerator/Decorative Water Fountain In The Amount Of \$71,000, To Be Located On The Lake At The Miami Beach Golf Club Bordered By Michigan Avenue And Alton Road.  
(Parks & Recreation)

**ACTION:** Request authorized. Kevin Smith to handle.

**11:40:28 a.m.**

- C2C Request For Approval To Issue A Request For Qualifications (RFQ) For The Design Of The Miami Beach Convention Center Campus Master Plan.  
(Tourism & Cultural Development)

**ACTION:** Item separated for discussion by Commissioner Libbin and approved via the Consent Agenda. Request authorized. Gus Lopez to issue the RFQ. Max Sklar to handle.

Commissioner Libbin congratulated Mayor Bower for the initiative taken on this issue. He added that in the early part of the discussions, if and when the study is completed, a determination needs to be made as to who is responsible for any cost overruns, who is responsible for managing the construction, and to find a dedicated revenue stream.

**C4 – Commission Committee Assignments**

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Of Implementing A North Beach Local Bus Route.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Of A Golf Clinic For Children Of Low Income Families At Normandy Golf Course.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Kevin Smith to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Of How The City Can Assist Our Elderly Obtain Extra Income Through Part Time Jobs.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Hilda Fernandez to handle.

- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Of Placing A Tot Lot On One Of The Biscayne Point Grass Triangles.  
(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Kevin Smith to handle.

- C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Co-Naming Of Streets In Honor Of Fallen Miami Beach Police Officers.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Chief Noriega to handle.

**11:43:51 a.m.**

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Possibility Of Expanding Beyond Ocean Drive And Lincoln Road, The Areas Covered Under The Artist Vendor Ordinance.  
(Requested by Vice-Mayor Saul Gross)

**ACTION: Item separated for discussion by Vice-Mayor Gross.** Also see action on C4H. Item approved via the Consent Agenda. Discussion held. Vivian Guzman to place on the committee agenda. Hilda Fernandez to handle.

Vice-Mayor Gross stated that he separated the item to see if any residents came to speak on this item and if not, to refer the issue.

Commissioner Weithorn stated that it is very important that when the meeting is held that it is noticed and the neighborhood associations are noticed. **Barbara Hawayek to notify the neighborhood associations and Vivian Guzman to notify the street vendors.**

Vice-Mayor Gross asked if the Administration verifies that the artists/vendors are truly artist selling the product that they actually make.

Jorge Gonzalez, City Manager, stated that the process of the lottery makes sure of this. If they are selling items that are not handmade they are issued a violation by the code enforcement officer.

Mayor Bower and Jorge Gonzalez, City Manager, spoke about the model used in San Francisco.

Commissioner Weithorn stated that at 15<sup>th</sup> Street and Ocean Drive there are tables set up on the sidewalk which makes it difficult to walk, and for those that are disabled it makes it incredibly difficult to get through.

Hilda Fernandez, Assistant City Manager, stated that the vendors are required to maintain a five feet. clear pathway as the standard pedestrian path.

- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion On Pedicabs.  
(City Manager's Office)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Hilda Fernandez to handle.

C4H Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Street Vendors.

(Requested by Commissioner Deede Weithorn)

**ACTION:** See action C4F. **Referred.** Vivian Guzman to place on the committee agenda and to handle.

City Clerk's note: Beach Walk (beachwalk), 15<sup>th</sup> Street by Ocean Drive and Collins Avenue, and Washington Avenue.

### **C6 - Commission Committee Reports**

C6A Report Of The G.O. Bond Oversight Committee Meeting On April 7, 2008: **1)** Contingency Report; **2)** Project Status Report - Fire Station No. 2; **3)** Project Status Reports - North Beach Projects Funded Through G.O. Bonds: A. North Beach Projects In Active Construction; B. Other North Beach Projects; **4)** Project Status Reports - Active Projects; **5)** Old Business; And **6)** Information Items.

**ACTION:**

**Item No. 1:**

The General Obligation Bond Oversight Committee ("Committee") met on April 7, 2008. At the meeting, the Committee considered the following issues:

There was no quorum. Review and acceptance of minutes were tabled.

The General Obligation Bond Oversight Committee has been sunsetted. Following second reading at Commission, a new committee will be formed, tentatively called the Capital Improvement Projects Oversight Committee. It will be comprised of residents with relevant expertise.

**Item No. 2:**

Partial CO obtained. Final CO expected in 60 Days

**Item No. 3:**

Normandy Isle & Normandie Sud Neighborhood Improvements

Project is underway. Crews are encountering very antiquated water lines as new lines are being installed.

Normandy Shores Neighborhood Improvements

Project is moving along well. Personnel are cooperative and feedback from residents is positive. Budget increase is due to several issues. The A/E fees grew due to changes in scope from original project plans.

Normandy Shores Golf Course

The only concern from residents is that people are currently walking, and in some cases, driving on the new sod. The two restrooms and Maintenance building are completed. The cart barn began three months ago, and the roof is in place.

Normandy Shores Club House

Discussions continue about fees, and CIP has not been given direction yet to proceed.

Biscayne Point Neighborhood Improvements

Approaching 100% design and residents continue to bring additional concerns to CIP.

Documents are expected to be completed in approximately six months. At that time, discussions will be had with Commission about funding for this project.

North Shore Neighborhood Improvements

This project, too, is still in design and several months left to go before it will be time to go out for bid.

**Item No. 4:**

Beachfront Restrooms

Drawings are finished for the 35<sup>th</sup> Street restrooms, and the City awaits pricing that is acceptable from the contractor.

Belle Isle Park and Neighborhood Streetscape

Completion is expected before July.

Lummus Streetscape Improvements

This project will be complete this summer. Work was postponed at 14<sup>th</sup> Lane at the request of a business owner.

Nautilus Neighborhood Improvements

Storm drainage work will soon begin in Nautilus West. Water has been installed.

Scott Rakow Youth Center

The pool is open.

South Pointe Park

Clarification was made about the keystone border to frame the concrete aggregate.

**Item No.5:**

None

**Item No. 6:**

None

C6B Report Of The Land Use And Development Committee Meeting On April 14, 2008: **1)** Discussion Regarding The Issue Of Short Term Rental Of Single Family Homes; **2)** Discussion Of The Noise Ordinance; **3)** Discussion On Ways To Improve The City's Current Board And Committee System; And **4)** Discussion Regarding Requiring Screening Of Construction Sites.

**ACTION:**

**Item No. 1:**

Item continued.

**Item No. 2:**

Assistant City Manager, Hilda Fernandez, provided an overview of the statistical analysis on invalid commercial noise cases. The Committee requested that this item be brought back to the next Land Use & Development Committee to include the following:

- Administration to provide recommendations on establishing a system that can populate a tracking number for noise complaints.
- Administration to research the CAD records concerning the Tequila Chica complaints of March 2, 2008 and report the findings back to the Committee.
- Administration to provide a report that covers the months of March and April, which should reflect the impact of the recently implemented policies and procedures concerning stricter documentation requirements for filling out incident reports.

**Item No. 3:**

Item not reached.

**Item No. 4:**

Item not reached.



- C6C Report Of The Finance And Citywide Projects Committee Meeting On April 21, 2008: **1)** A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Florida Authorizing The Chairperson And Secretary To Execute A New Retail Lease Agreement With Liquor Lounge Café, Inc. For Suite A In The Anchor Shops Located At 1550 Collins Ave, Miami Beach Florida 33139; **2)** Discussion Regarding The City's Group Health Insurance Plan Exploring The Opportunity Of Providing Employees With A Self-Funded, Self-Insured Healthcare Program; **3)** Discussion On A Proposed 20 Year Water Supply Agreement With Miami-Dade County Water And Sewer Department; And **4)** Discussion Regarding Fiscal Year 2007/2008 Water And Sewer Rates.

**ACTION:**

**Item No. 1:**

Determine what the market rate per square foot is for the area, include a pass through rate over base year and include an annual increase and bring it back to the Committee.

**City Clerk's Note: Kevin Crowder to handle.**

**Item No. 2:**

Move the item to the full Commission with the Committee's approval.

**City Clerk's Note: See Agenda Item R7D.**

**Item No. 3:**

Move the item to the full Commission without any Committee recommendation.

**City Clerk's Note: See Agenda item R7E**

**Item No. 4:**

Fred Beckmann, Public Works Director, presented the item of Water and Sewer rates and stated that On September 26, 2007, at the second public budget hearing, the City Commission approved an increase in water and sewer fees based on an assumption that the decrease of water consumption in FY 2007/08 would be 10% below FY2006/07. The Manager's proposed budget for FY 2007/08 initially included higher rate increases based on an 18% decrease in consumption. At that time, estimates for water consumption decreases ranged from 10-18%. It was agreed with the final adopted budget that the 10% decrease in water consumption be used as a conservative measure in order not to raise rates higher than necessary, with the understanding that if water consumption decreases were higher than 18%, additional fee increases would be necessary.

Mr. Beckmann went on to state that based on consumption information through February 2008, the actual year-to-date consumption decrease has been 17%, more consistent with the proposed rather than the adopted budget.

Based on the decrease of the projected water revenues through the end of the Fiscal Year, Public Works is projecting a shortfall of roughly \$730,352 in water revenues and information regarding the adopted and projected sewer revenues through the end of the Fiscal Year are still being reviewed. Mr. Beckmann expects to have the data available for presentation during the May 29, 2008 Finance and Citywide Committee Meeting.

**City Clerk's Note: Fred Beckmann to handle.**

- C6D Report Of The Neighborhoods/Community Affairs Committee Meeting On April 30, 2008: **1)** FDOT Presentation Of Construction Alternatives For Alton Road Improvements And FDOT's Request For The Committee's Endorsement Of One Of The Alternatives Being Considered As The Locally Preferred Alternative; **2)** Discussion Regarding The Ordinance Amending Chapter 2 Of The Miami Beach City Code, Creating Division 12.5 Thereof, Entitled "Affordable Housing Advisory Committee," Section 2-167; **3)** Discussion Regarding The Composition Of The Miami Beach Community Relations Board As Per City Code Sec 2-190-14, Which States That The Composition Of The Board Should Be Reviewed Every Two Years; And **4)** Discussion Regarding The Consideration Of A Sister City Affiliation With The City Of Brampton, Ontario, Canada As Recommended By The Sister Cities International Committee.

**ACTION:****Item No. 1:**

The committee unanimously moved to send the item to the next meeting of the city commission with a recommendation for alternative number one as the locally preferred alternative. Commissioner Tobin asked to be provided an update as to where the city is with the bike lanes on the West Avenue and Commissioner Wolfson asked for an additional schematic reflecting the fourteen feet shared path.

**City Clerk's Note: See Agenda Item R9C.**

**Item No. 2:**

The committee moved to send the item back to the next meeting of the city commission for second reading and approved the formation of the Affordable Housing Advisory Committee with the inclusion of the necessary language to allow members of the Loan Review Committee and the Community Development Advisory Committee that meet specific criteria to serve ex-officio as members.

**City Clerk's Note: See Agenda Item R5A.**

**Item No. 3:**

The committee unanimously moved to change the quorum requirement to six of the eleven voting members.

**City Clerk's Note: Barbara Hawayek to handle.**

**Item No. 4:**

The committee unanimously moved the item to the city commission with a recommendation to form a sister city relationship with Brampton, Ontario, Canada.

**City Clerk's Note: See Agenda Item C7C**

**C7 - Resolutions**

- C7A A Resolution Declaring The Existence Of A Parking Emergency With Respect To Increased Traffic And Parking Demand On The Following Respective Dates For The Following Respective Events: July 3-6, 2008, For Fourth Of July; November 11-16, 2008, For The South Florida Auto Show; December 3-7, 2008, For Art Basel; December 31, 2008 – January 1, 2009, For New Year's Eve Event; January 6-9, 2009, For Orange Bowl Events; January 16-18, 2009, For Art Deco Weekend; February 12-16, 2009, For The NMMA Miami International Boat Show; February 26-28, 2009, For Graphics Of The Americas; May 22-25, 2009, For Memorial Day Weekend; July 2-5, 2009, For Fourth Of July; And August 28-31, 2009, For Labor Day Weekend; Further Allowing For The Use Of Specified Vacant Surface Lots Citywide For Self Parking And Valet Parking Operations, During The Aforementioned Events; And Further Delegating This Authority To The City Manager To Administratively Allow For Said Use In The Future.

(Parking Department)

**ACTION: Resolution No. 2008-26813 adopted.** Saul Frances to handle.

- C7B A Resolution Granting And Authorizing The Mayor And City Clerk To Execute A Perpetual Exclusive Utility Easement To Florida Power And Light (FPL) To Provide Electrical Service For The Construction Of The Replacement Feeder Vault On The Site Of The New World Symphony Project.

(Public Works)

**ACTION: Resolution No. 2008-26814 adopted.** Fred Beckmann to handle.

- C7C A Resolution Approving And Endorsing A Sister City Affiliation With The City Of Brampton, Ontario, Canada.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Resolution No. 2008-26815 adopted.** Max Sklar to handle.

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****12:34:48 p.m.**

- R5A An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Creating Division 12.5 Thereof Entitled "Affordable Housing Advisory Committee," Section 2-167 Thereof Providing For Said Committee's Powers And Duties, Composition And Membership; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing.**  
(Neighborhood Services)  
(First Reading on April 16, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3605 adopted as amended.** Motion made by Vice-Mayor Gross; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Vivian Guzman to handle.**

**Amendment:**

1. Add the Planning Board and the Housing Authority to sit in a dual capacity.

**End**

Jorge Gonzalez, City Manager, stated that on page 99 on the Agenda where it mentions Loan Review Committee and the Community Development Advisory Committee to add the Planning Board and the Housing Authority to sit in a dual capacity.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 486

**12:38:42 p.m.**

- R5B An Ordinance Amending Section 106-55(N) Of The City Code, Entitled "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentive," To Provide For A Reduction Of The Cost Of The Hybrid Citywide Decal From \$365.00 To \$100.00 Per Year; An Increase In The Discount Afforded To Qualifying Vehicles On Monthly Parking Permits In City Parking Facilities And For Residential Parking Permit Holders From 25% To 50%; And Providing That The 500 Citywide On-Street Parking Decals Be Reduced To 250 Citywide Parking Decals, Currently Available To Registered Hybrid/ILEV Vehicles On A First-Come, First Served Basis, Shall Also Be Honored At City-Owned Surface Parking Lots (In Addition To On-Street Metered Spaces); Providing For Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading Public Hearing.**  
(Requested by Commissioner Richard L. Steinberg/City Attorney's Office)  
(First Reading on April 16, 2008)

**ACTION: Public Hearing held. Ordinance No. 2008-3606 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Saul Frances to handle.**

Commissioner Steinberg stated that this is an ordinance that changes the procedures put in place in December 2007 where the City of Miami Beach became a very innovative City when it comes to a green initiative and the first city in the State to provide parking incentives for people with hybrid and ILEV vehicles to help protect our environment. He also explained the changes to the ordinance.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 486

**5:30:01 p.m.**

R5C Urban Light Industrial District (I-1)

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Clarifying Purpose And Permitted Uses; Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Adding The I-1 District As A District Permitting Garages As A Main Use; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 p.m.**  
**Second Reading Public Hearing.**

(Planning Department)

(First Reading Public Hearing on April 16, 2008)

**ACTION: Public Hearing opened and continued to June 25 at 5:01 p.m.** Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote: 6-0; Commissioner Tobin recused himself. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Robert Parcher, City Clerk, announced that Commissioner Tobin filed a Conflict of Interest Form 8B.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 486
2. Attachment B color map of Sunset Harbor Land Uses
3. Form 8B

**9:30:40 p.m.**

R5D An Ordinance Amending Miami Beach City Code Section 2-451 Entitled "Use Of Position To Secure Special Privileges" By Prohibiting A City Officer Or Employee From Using Any City Property Or Resources Which May Be Within His Trust To Secure Special Privileges For Himself Or Others Or To Use His Official Position To Solicit Clients Or Customers For His Private Business; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Ordinance approved on First Reading as amended and referred to the Neighborhoods/Community Affairs Committee.** Motion made by Commissioner Steinberg; seconded by Mayor Bower; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second Reading and Public Hearing scheduled for June 25, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Legal Department to handle. Vivian Guzman to place on the committee agenda and Legal Department to handle.**

**Amendment:**

Remove section "b"

Section "C" add to "potential clients or customers", including other city officers, employees or co-workers, etc.

**End**

Mayor Bower stated that she has concerns with section "b". She would like to refer section (b) to the Neighborhoods/Community Affairs Committee. She wants to clarify that when there are events, fundraisers or selling candy for the schools, this should not be part of this ordinance. She wants the language clarified.

Vice-Mayor Gross stated that on his website he indicates he is a city commissioner on his resume and asked if that is considered using his official position.

Mayor Bower stated that it is part of his resume and should not be considered using his official position.

**5:32:20 p.m.**

Supplemental Materials (Memorandum and Ordinance)

R5E ~~An Ordinance Amending Chapter 46 Of The Miami Beach City Code Entitled "Environment," By Amending Article IV Entitled "Noise" By Amending Section 46-152 Entitled "Adoption By Reference; Noises; Unnecessary And Excessive Prohibited" By Amending The Provisions With Regard To Noise Set Forth In Section 21-28(B) Of The Miami-Dade County Code Which Have Been Adopted By Reference In The Miami Beach City Code; By Amending Section 46-158 Entitled "Enforcement By Code Inspectors; Notice Of Violation; Warnings" By Amending The Provisions Regarding Warnings; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement" By Amending The Provisions Relative To Fines And Penalties; And Providing For Repealer, Severability, Codification, And An Effective Date. First Reading.~~

~~(City Manager's Office)~~~~**(Materials For This Item Will Be Submitted In The Supplemental Agenda)**~~**REVISED TITLE SUBMITTED VIA THE SUPPLEMENTAL AGENDA**

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 46 Of The Miami Beach City Code Entitled "Environment," By Amending Article IV Entitled "Noise" By Amending Section 46-152 Entitled "Adoption By Reference. Noises; Unnecessary And Excessive Prohibited" By Amending The Provisions With Regard To Noise Set Forth In Section 21-28(B) Of The Miami-Dade County Code Which Have Been Adopted By Reference In The Miami Beach City Code; By Amending Section 46-157 Entitled "Exemptions" By Amending The Exemptions Relative To Activities On Or In Publicly Owned Property And Facilities; By Amending Section 46-158 Entitled "Enforcement By Code Inspectors; Notice Of Violation; Warnings" By Amending The Provisions Regarding Warnings And The Responsibility To Provide The City With The Current Addresses Of Premises Owners And Occupational License Holders; By Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement" By Amending The Provisions Relative To Fines And Penalties; And Providing For Repealer, Severability, Codification, And An Effective Date. First Reading

(City Manager's Office)

**(Materials For This Item Will Be Submitted In The Supplemental Agenda)**

**ACTION: Ordinance approved on First Reading as amended and referred to the Land Use and Development Committee.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for June 25, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to place on the committee agenda. Hilda Fernandez and handle.**

**Amendment:**

1. Fine and penalty reset period to correspond with 12 month rolling period for written warnings
- End**

**Issues discussed:****Issues referred: 1, 2, 5, and 6**

1. Discussion regarding publicly owned property referred to the Land Use and Development Committee
2. Consider a process to handle a new business violation
3. Warnings: Change from three (3) written warnings to one (1) written warning
4. Change fine and penalty reset period from 18 month to 12 month rolling period
5. Discuss residents' complaints versus others such as hotel guests
6. Develop Administrative Guidelines between first and second reading, referred to LUDC, and have a resolution adopting the Guidelines at the second reading
7. Discussion regarding anonymous complaints
8. Discussion regarding complaint driven or code compliance officer initiated warnings/violations

**End**

Robert Parcher, City Clerk, announced that the information is in the Supplemental Agenda.

Hilda Fernandez, Assistant City Manager, introduced the Item.

Hardy Hill spoke.

Roman Jones spoke.

David Kelsey spoke.

Venessa Menkes spoke.

Carlos Correal spoke.

Steve Polisar spoke.

Dr. Judith Berson-Levinson spoke.

Frank Florentino spoke.

Francine Garante spoke.

Mitchell Robinson spoke.

Harry Cherry spoke.

Morris Sunshine spoke.

Frank Del Vecchio spoke.

Henry Stolar spoke.

Murray Kossman spoke.

Robert Van Eepae spoke.

Cristina LaBuzetta spoke.

Dr. Jeff Donnelly spoke.

David Wallack spoke.

Commissioner Wolfson stated that the residents are negatively impacted by noise and enforcement has not been good. In reviewing the current ordinance stated that three (3) warnings do not make sense. He stated that there should be one (1) warning and the ordinance should be enforced 24 hours a day.

Commissioner Weithorn stated that one (1) warning is reasonable; however, between first and second reading some consideration needs to be taken into account with new businesses because they may initially have sound system problems.

Vice-Mayor Gross stated that he believes the ordinance should be amended to one (1) warning. He also added that fines and penalty reset period should be changed from 18 months to 12 months.

Commissioner Libbin stated that there should be something in the administrative procedure to deal with the false or invalid complaints. He added that this ordinance is on the right track and he will try to be part of the process to determine why there are so many invalid complaints.

Commissioner Tobin stated that he does not believe that by approving this ordinance it will put businesses out of business. The ordinance should address resident complaints and not transient complaints. He asked about the Table 8 restaurant which Hilda Fernandez, Assistant City Manager, answered. He agrees with Vice-Mayor Gross to reduce the reset time from 18 months to 12 months. He also supports the idea of giving a new business some latitude.

**Motion made by Commissioner Wolfson to move the ordinance with the amendment made by Vice-Mayor Gross to reset after 12 months; seconded by Vice-Mayor Gross; Ballot vote: 7-0.**

Vice-Mayor Gross stated that the guidelines should be reviewed at the Land Use and Development Committee between the first and second reading of the ordinance. **Hilda Fernandez to handle.**



Jorge Gonzalez, City Manager, stated that the Administration would like to bring the Administrative Guidelines to the next Commission Meeting. It is envisioned that at the second reading the Commission would have the ordinance and Guidelines for review and approval.

Mayor Bower stated that transient complaints need to be discussed at the committee because right now she is not in agreement with excluding transient complaints.

Vice-Mayor Gross asked for clarification because he thought that the noise ordinance was going to be complaint driven.

Mayor Bower disagrees with Vice-Mayor Gross on the issue.

Commissioner Steinberg stated that there is no reason why a code compliance officer, upon hearing excessive noise and there is no complaint, to let the owner know that the noise is too loud.

Handout or Reference Material:

1. Email from Frank Del Vecchio to Hilda Fernandez and Debora Turner, dated May 14, 2008, RE: Revised wording of Noise exemption for private events in public facilities/parks; and grammatical correction to sec. 46-152(b)

### **R7 - Resolutions**

**12:38:24 p.m.**

- R7A A Resolution Approving On First Reading, In Accordance With Chapter 163, Florida Statutes (The Florida Local Government Development Agreement Act), A Development Agreement Between The City Of Miami Beach And Berkowitz Development Group, Inc., For The Construction Of Public Right-Of-Way Infrastructure Improvements, Including Curb, Gutter, Sidewalks And Drainage, On Lenox Avenue And On Sixth Street. **10:20 a.m. First Reading Public Hearing.**  
(Economic Development)

**ACTION: Title of the Resolution read. Public Hearing opened and continued to June 25 at 10:20 a.m., and referred to the Finance and Citywide Projects Committee.** Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the City Commission Agenda. Patricia Walker to place on the Finance and Citywide Projects committee agenda. **Kevin Crowder to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 488

**12:08:19 p.m.**

R7B A Resolution Approving The Naming Of The Auditorium Of The North Shore Youth Center After Joe And Flora Fontana. **10:45 a.m. Public Hearing.**  
(Parks & Recreation)

**ACTION: Public Hearing held. Resolution No. 2008-26816 adopted as amended.** Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote: 7-0. **Kevin Smith to handle.**

**Amendment:**

Name the gymnasium at the North Shore Youth Center after Joe and Flora Fontana  
**End**

Robert Middaugh, Assistant City Manager, introduced the item.

Lee Bobrow, Joe Fontana's sister, spoke.

Luis Salom spoke.

Discussion continued.

Commissioner Steinberg stated that the City Commission has no authority to name a building, and that it requires the approval of the voters. He will not support naming a room in the building if the voters if the voters voted "no" to naming the building.

Raul Aguila, Assistant City Attorney, explained the process.

Alfredo Rey spoke.

**Luis Salom spoke on behalf of Joe Fontana's sister and stated that she will donate funds for underprivileged children that cannot afford to go to the Youth Center so that they can participate.**

Discussion continued.

Motion made by Commissioner Wolfson to name the room after Joe and Flora Fontana as requested by his sister and to start the process necessary to naming the building after him. He sees no harm in letting the voters decide. No second offered.

Charles Safdie spoke.

Discussion continued.

Commissioner Weithorn stated that it is inappropriate for the City Commission to guess what the voters will want. She would like to find out if the City cannot name a building, can the city name a room.

Motion made by Commissioner Wolfson to name the room and to refer to the Neighborhoods/Community Affairs Committee the issue of naming the building. No second offered.

Mayor Bower stated that she agrees with Commissioner Weithorn that either the room or the building, but not both be named.

Discussion continued.

Motion made by Commissioner Wolfson to separate his previous motion. No second offered.

Discussion continued.

Motion made by Commissioner Libbin to refer to the Neighborhoods/Community Affairs Committee to discuss placement on the ballot. No second offered.

Lee Bobrow, Joe Fontana's sister, stated that she does not want to miss the opportunity of naming the gymnasium, if it does not have to go to referendum. She offered to pay for the sign with Joe and Flora Fontana's names on it.

Discussion continued.

**Motion made by Commissioner Libbin to name the gymnasium; seconded by Commissioner Wolfson; Voice vote: 7-0.**

**Lee Bobrow, Joe Fontana's sister, stated that she will like to be involved in the financial part of it.**

Motion made by Commissioner Wolfson to refer to the Neighborhoods/Community Affairs Committee for discussion to name the building. No second offered.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 487

**12:41:55 p.m.**

R7C A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm), And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction), For A One-Year Period, As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2008-26817 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote: 7-0. **Cliff Leonard to handle.**

Jorge Gonzalez, City Manager, introduced the item.

**12:43:42 p.m.**

R7D A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Authorizing The City Manager To Take Such Actions, As Deems Necessary And As Legally Required, To Implement A Self-Insured Group Health Plan.

(Human Resources & Risk Management)

**ACTION: Resolution No. 2008-26818 adopted.** Motion made by Commissioner Wolfson to implement the plan with sound financial policies in place; seconded by Commissioner Weithorn; Voice vote: 7-0. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, introduced the item.

Ramiro Inguanzo, Human Resources Director, spoke.

Commissioner Libbin stated that the City should be cautious and see where the City will be 10 years from now in reference to the number of retirees and survivors that will be insured and if the City will be able to afford it.

Jeff Angello, Area President, Gallagher Benefit Services, spoke.

Commissioner Weithorn stated that the City Commission should instruct the City Manager to do this and to implement sound fiscal policies.

Commissioner Libbin asked if this should be done in conjunction with union negotiations.

Jorge Gonzalez, City Manager, stated that the negotiations do not go into details, only what percentage the City will provide the employees. The City locks the benefit plans but not how the plans will be done.

**4:59:19 p.m.**

R7E A Resolution Approving A Contract Between Miami-Dade County And The City Of Miami Beach, Florida, Providing For The Rendition Of Water Service  
(City Manager's Office)

**ACTION: Resolution No. 2008-26819 adopted.** Motion made by Commissioner Libbin; seconded by Vice-Mayor Gross; Voice vote: 6-1; Opposed: Commissioner Tobin. **Robert Middaugh to handle.**

Robert Middaugh, Assistant City Manager, introduced the item.

Commissioner Tobin asked when the County proposes to get rid of the sewage outfall in the ocean.

Robert Middaugh, Assistant City Manager, stated that he did not believe that the County has established a timeframe. He will check and advise. **Robert Middaugh to handle.**

Commissioner Libbin complimented the Administration for negotiating a good agreement, particularly if the City is able to develop a water supply, the City can terminate this agreement.

**5:07:22 p.m.**

Supplemental Materials (Resolution)

R7F A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute A First Amendment To The Home Investment Partnership (HOME) Agreement Between The City Of Miami Beach And MBCDC Meridian Place LLC. Dated March 14, 2007, Providing For \$800,000 From Fiscal Year 2007/2008 Home Program Set-Aside Funds For The Payment Of The Existing Seller Financing For The Meridian Place Apartments, Located At 530 Meridian, Miami Beach, Florida, A Project That Will Provide Thirty-Four (34) Rental Housing Units For Elderly Homeless Program-Eligible Persons, In Accordance With The Home Program Requirements.  
(Neighborhood Services)

**ACTION: Resolution No. 2008-26820 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Vivian Guzman to handle.**

Robert Parcher, City Clerk, announced that the resolution is in the supplemental materials.

Hilda Fernandez, Assistant City Manager, introduced the item.

Vice-Mayor Gross stated that the project jumped \$1.2 million and it is costing \$516 per ft. He stated that you can buy for \$300 a sq. ft. and instead we are paying \$516 per sq. ft. of the taxpayer's money. This is too expensive and with the extra money more units could have been purchased.

Roberto Datorre spoke.

Hilda Fernandez, Assistant City Manager, stated that the surtax was a discussion with the County's Director of the Office Economic Development. The concept of the surtax is levied countywide and levied based on where the sale of the property occurred. The City should have access to the dollars generated by sales in Miami Beach.

**Mayor Bower requested a resolution, for the next City Commission meeting, urging Miami-Dade County to fund MBCDC projects using surtax funds. Lilia Cardillo to place on the City Commission Agenda. Hilda Fernandez to handle.**

**5:16:37 p.m.**

R7G A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 2 To The Agreement Between The City And RIC-Man International, Inc., Dated December 6, 2006, Pursuant To Invitation To Bid No. 36-05/06 For The Design, Permitting, Construction And Construction Management Associated With Neighborhood No. 7 - Nautilus Right-Of-Way Infrastructure Improvement Project, In An Amount Not To Exceed \$749,130.00; Said Amendment For The Provision Of Additional Design, Permitting And Construction Necessary For The Implementation Of Bike Lanes And Routes On Prairie Avenue, Royal Palm Avenue, 44th Street, North Bay Road And 47th Street To Provide North-South And East-West Connections, With Funding From Previously Appropriated People's Transportation Plan (PTP) Funds.  
(Capital Improvement Projects)

**ACTION: Item referred to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda. Jorge Chartrand to handle.**

Jorge Chartrand, CIP Director, introduced the item.

Vice-Mayor Gross stated that the City should do a better job in notifying the residents in advance to let them know that the City will be reclaiming the swale areas. **Jorge Chartrand to handle.**

Discussion continued.

Vice-Mayor Gross asked that in the future, when spending a lot of money in a residential neighborhood where people have no trouble riding their bikes, let the City Commission know in advance. **Jorge Chartrand to handle.**

Jorge Chartrand, CIP Director, stated that the assumption was that since the Master Plan was approved, it was a done deal.

Vice-Mayor Gross stated that it was never explained, when the Master Plan was approved, that it included spending large sums of money to reconfigure the roadway, and if it did, it will be brought back to the City Commission.

Jorge Gonzalez, City Manager, suggested reviewing the Master Plan and identifying areas that are going to be more expensive and bring those back to the City Commission for their approval. **Jorge Chartrand to handle.**

Discussion continued.

Commissioner Wolfson stated that before any small residential streets are cut up for bike lanes the City Commission should have advanced notice. **Jorge Chartrand to handle.**

Commissioner Weithorn stated that before any streets are eliminated to bring back which street could be eliminated and the estimated cost savings. **Jorge Chartrand to handle.**

Jorge Chartrand, CIP Director, suggested turning some of the small streets that cannot be widened into bike routes instead of bike lanes and provide the signage.

Vice-Mayor Gross requested more detailed information as to what can be cut out of this project and to bring back to the City Commission. **Jorge Chartrand to handle.**

Jorge Gonzalez, City Manager, stated that the item will be referred to the Finance and Citywide Projects Committee.

Jorge Chartrand, CIP Director, stated that a document has been prepared listing all the neighborhood projects and expectations, to be reviewed at the committee meeting. Jorge Gonzalez, City Manager, stated to bring the document to the committee meeting. **Jorge Chartrand to handle.**

**4:56:46 p.m.**

R7H A Resolution Granting And Authorizing The Mayor And City Clerk To Execute A Perpetual Non-Exclusive Easement Agreement To Fisher Island Community Association Inc. For The Construction, Maintenance, And Operation Of A Replacement Sea Wall Along The North Side Of Fisher Island.  
(Public Works)

**ACTION: Resolution No. 2008-26821 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Gross; Voice vote: 7-0. **Fred Beckmann to handle.**

Cliff Shulman, Esq., spoke.

**7:39:39 p.m.**

Supplemental Materials (Memorandum and Resolution)

R7I A Resolution Calling For An August 26, 2008 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Provide For Additional Procedures For Approval Of Certain Requested Comprehensive Plan Amendments.

(City Attorney's Office)

**(Materials For This Item Will Be Submitted In The Supplemental Agenda)**

**ACTION: Resolution No. 2008-26822 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote: 7-0. **Legal Department to amend ballot language. R. Parcher to handle.**

**Amendment:**

Question No. 1

CHANGING "RECREATION OPEN SPACE" FUTURE LAND USE MAP CATEGORY DESIGNATION  
-- CITY COMMISSION UNANIMOUS VOTE REQUIRED

Official Text:

The City's Comprehensive Plan Future Land Use Map may be amended by following certain procedural City law requirements, including requiring amendments be approved by 5/7 vote of City Commission; Shall the Charter be amended to increase Commission's vote from 5/7 to 7/7 (unanimous) for Land Use Map amendments changing land designated "Recreation Open Space" as of this measure's adoption date and thereafter, to a land use category other than "Public Facility" or "Public Facility: Educational"?

**End**

Commissioner Steinberg explained the item.

Bruce Reich spoke.

Commissioner Wolfson asked the Commission to consider placing the question on the November

ballot because the turnout in November will be significantly larger than the August turnout. Secondly, he asked the City Attorney if an economic impact analysis is necessary because of the City Charter language.

Jose Smith, City Attorney, stated that the City Charter states that the City shall consider the long term economic impact and the economic impact can be considered today or at a future date. He asked the Planning Director if he believes the ballot question will have an economic impact.

Jorge Gomez, Planning Director, stated that on the face of the question it would seem that there is no direct impact to the City's budget.

Jorge Gonzalez, City Manager, stated that as the question is written it allows for a change to a public facility such as a school, fire station, library, a non-recreational type use, then he has no concerns.

Jorge Gomez, Planning Director, stated that schools would fall under the ballot question and if the question is passed, schools would require a 7-7 vote.

Commissioner Steinberg amended his motion to include "Public Facility" (PF) and add "Public Facility Educational" (PFE). Commissioner Libbin, who seconded the motion, is okay with the amendment.

Discussion continued.

Gary Held, First Assistant City Attorney, spoke.

Jean Olin, Deputy City Attorney, read the amendments into the record.

City Clerk's Note June 2, 2008: The following explanation was provided by Jose Smith, City Attorney, Jean Olin, Special Counsel, Gary Held, First Assistant City Attorney, and Jorge Gomez, Planning Director  
Explanation:

Voters in the City of Miami Beach have previously approved amendments to the City Charter requiring special procedures for the sale or long-term lease of City-owned properties, and prior to certain increases in development rights for property located in the City. This ballot measure is being presented to the voters on August 26, 2008 in order to continue this trend by requiring additional restrictions before open space property can be changed to other uses.

The City Code provides that amendments to the City's Comprehensive Plan can be approved by a five-sevenths vote of the City Commission. For example, a parcel of land designated "Recreation Open Space" ("ROS") can be changed to another land use category (such as commercial or residential) by five-sevenths City Commission vote. The proposed ballot amendment will instead require a unanimous vote of the City Commission (requiring all 7 members of the Commission to vote in favor) to approve any change in land use category designation of land designated ROS on the City's Future Land Use Map, except when the requested change of land use category designation is from ROS to "Public Facility" or "Public Facility-Educational."



**5:03:38 p.m.****Supplemental Materials (Agreement)**

R7J A Resolution Accepting The Findings And Recommendation Of The City Manager, Certifying A Valid Public Emergency, And Waiving The Requirements Of Section 287.055, Florida Statutes ("Consultants' Competitive Negotiation Act") For The Acquisition Of The Necessary Professional Architectural And Engineering Services (The "A/E Services") To Restore The Washington Avenue Bridge's Structural Integrity (Which Is Currently Closed Due To Structural Deficiency); Further Authorizing The City Manager Or His Designee, To Negotiate An Agreement For The Aforestated A/E Services With Corzo Castella Carballo Thompson Salman, P.A. (C3TS), In An Amount Not To Exceed \$77,245; And, In The Alternative, In The Event The City Commission Does Not Approve The Aforestated Waiver, Authorizing The Administration To Issue A Request For Qualifications (RFQ) For The Necessary A/E Services Relative To The Above Referenced Project; And Appropriating \$700,000 From City Center Redevelopment Agency (RDA) Non-TIF Funds For A/E Services, Construction, And Contingency For The Project, To Be Reimbursed By County Road Impact Fee (RIF) Funds. **Joint City Commission And Redevelopment Agency.**  
(Public Works)

**ACTION: Item heard in conjunction with RDA item R2A. Resolution No. 2008-26823 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Tobin; Voice vote: 7-0. Patricia Walker to appropriate the funds. **Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item.

Robert Parcher, City Clerk, announced that the actual agreement is in the supplemental material.

Vice-Mayor Gross stated, for the record, that the architect and engineer fees seem very expensive.

Fred Beckmann, Public Works Director, stated that one of FDOT's requirements is having a professional registered engineer on site for a certain period of time observing the contractor. He added that he knows it is expensive, but there is nothing that the City can do.

### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:**

**Transparency, Reliability and Accountability Ad-Hoc Committee:**

Alan Lips	Term expires 05/09	Appointed by Commissioner Libbin
Frank Del Vecchio	Term expires 05/09	Appointed by Commissioner Wolfson
Laurence Herrup	Term expires 05/09	Appointed by Commissioner
Steinberg		
Mike Burke	Term expires 05/09	Appointed by Mayor Bower
Dr. Robert Henry	Term expires 05/09	Appointed by Commissioner Tobin
Sam Rabin	Term expires 05/09	Appointed by Commissioner Weithorn
Steven Chaneles	Term expires 05/09	Appointed by Commissioner Gross
Commissioner Weithorn	City Commission Representative	Appointed by Mayor Bower

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:**

**CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE**

Appointment:

William Goldsmith (developer)	12/31/09	Appointed by City Commission	TL
12/13			

**The City Commission agreed to use the alternate Commission meeting date on Wednesday, May 21<sup>st</sup> at 3:00 p.m., for City Commission Board appointments.**

**2:38:57 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

Sonia Navarro thanked the City Commission for what they are doing for the residents of Ocean Drive. For the first time, this City Commission cares about the residents instead of the developers. She explained that for years she tried telling the City Commission that Ocean Drive from 5<sup>th</sup> to 4<sup>th</sup> street and from 13<sup>th</sup> to 15<sup>th</sup> Streets is mainly residential. Why should the residents of Ocean Drive have to suffer because of the clubs and restaurants that are there making a lot of money. They should be paying for their own security because when the residents need to call the police it takes them one hour (if they show) to get there because they are patrolling the noise and high crime area of the clubs.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION: No speakers.**

**1:15:38 p.m.**

Supplemental Materials (Revised title and Resolution)

R9C ~~Presentation By The Florida Department Of Transportation (FDOT) On The Alternative Design Options For The Alton Road Project Development And Environment (PD&E) Study, From 5<sup>th</sup> Street To Michigan Avenue For Subsequent Discussion By The Mayor And City Commission (Public Works)~~

**REVISED TITLE SUBMITTED VIA THE SUPPLEMENTAL AGENDA**

A Resolution Urging The Florida Department Of Transportation (FDOT) To Provide A Comprehensive, Block-By-Block Analysis Of The Alton Road From 5th Street To Michigan Avenue Rehabilitation Project (The Project) Including, Without Limitation, Addressing The Following Critical Issues To The City: A Short Term Solution For Flooding On Alton Road; Plan(s) For Phasing Of Construction; And Expedition Of Design, Funding And Implementation Of The Project; All To Ensure That The City, And Its Residents And Visitors, Are Delivered The Best Designed Roadway Project, In The Most Efficient And Expedient Manner Possible.

(Public Works)

**ACTION: Resolution No. 2008-26824 adopted. Fred Beckmann and Jorge Chartrand to handle.**

**Motion made by Commissioner Wolfson to approve Commissioner Tobin's resolution and further amending to have FDOT present a petition to the Federal and State government for 10.5 feet lanes as a waiver and recommending Local Preferred Alternative No. 1 (see below) per Commissioner Gross' suggestion; seconded by Commissioner Tobin; Voice vote: 7-0.**

**Local Preferred Alternative No. 1**

- 1) 30 miles per hour speed limit study**
- 2) Tree grates like the newly installed grates on Lincoln Road, but no other landscaping**
- 3) No blockage on signalized intersection**
- 4) Pedestrian crosswalks on-demand**
- 5) Include bike racks**

**End**

Bayo Coker, FDOT District Project Development Engineer and Manager, presented the project.

PowerPoint presentation shown.

Greg Kyle, Kimberly Horn & Associates, summarized the alternatives under consideration and informed that following the Commission Meeting, a formal Public Hearing is scheduled on June 26, 2008. Subsequent to that, the documents will be forwarded to the Federal Highway Administration for approval. FDOT is requesting the endorsement of the Commission for the Locally Preferred Alternative for the corridor.

Discussion held.

Mayor Bower expressed her concern with bicycles and pedestrian, especially children, in the same area on the sidewalk.

Commissioner Gross suggested addressing issues brought up by the Art Group, such as addition of signals at the same cycle and speed limit.

Bayo Coker, FDOT District Project Development Engineer and Manager, explained the signal warrant

study and due to the blocks on Alton Road being so short, FDOT believes that those signals would not be warranted on the intersections.

Discussion continued.

Kimberly Horn, FDOT representative, explained the pedestrian guidelines required for signalized intersections.

Commissioner Tobin explained having met with the engineers and the consultants from FDOT and suggestions and modifications were provided as addition to the plan and suggested FDOT engineers to go with a block-by-block analysis. He read a resolution into the record outlining this plan.

Bayo Coker, FDOT District Project Development Engineer and Manager, stated that the block-by-block plan will be discussed at the 60% approval point of the project.

Discussion continued.

**Motion made by Commissioner Wolfson to approve Commissioner Tobin's resolution, which was distributed on the floor. No second offered.**

Discussion continued.

**Commissioner Wolfson reviewed his motion to approve Commissioner Tobin's resolution.**

Gabriele Redfern, Project Advisory Group, spoke.

Jack Johnson spoke.

Erika Brigham spoke.

Mark Needle spoke.

David Kelsey spoke.

Bill Farkas spoke.

Judy Robertson spoke.

Jorge Gonzalez, City Manager, stated that in discussions with FDOT, it was learned that they plan to reduce the width of lanes on Interstate 95 to 11 feet, which is the same as what is being proposed for Alton Road. He encouraged the City Commission to ask FDOT to reduce the width of travelling lanes on Alton Road to 10 feet, which will reduce the speed and add to the sidewalk.

Bayo Coker, FDOT District Project Development Engineer and Manager, spoke.

Discussion held.

**Motion:**

**Motion made by Commissioner Wolfson to approve Commissioner Tobin's resolution and further amending to have FDOT present a petition to the Federal and State government for a 10 foot lane as a waiver and recommending Local Preferred Alternative No. 1 per Commissioner Gross' suggestion; seconded by Commissioner Tobin.**

Discussion continued.

Bayo Coker, FDOT District Project Development Engineer and Manager, spoke.

Jorge Gonzalez, City Manager, recommended FDOT representatives to submit drawings at 30% with a 10 foot wide lane rather than 11 foot lane wide.

Bayo Coker, FDOT District Project Development Engineer and Manager, explained that the City can request a 10 feet lane waiver, but stated that it is not safe from a professional point of view.

Discussion continued.

Commissioner Gross asked Mr. Coker if FDOT could accept 10.5 feet to have one side for dedicated bicycle lanes and landscape.

Discussion continued.

**Commissioner Gross amended the motion to add a 10.5 feet width lane waiver.**

**FINAL MOTION:**

**Motion made by Commissioner Wolfson to approve Commissioner Tobin's resolution and further amending to have FDOT present a petition to the Federal and State government for 10.5 feet lanes as a waiver and recommending Local Preferred Alternative No. 1 (see below) per Commissioner Gross' suggestion; seconded by Commissioner Tobin; Voice vote: 7-0.**

**Local Preferred Alternative No. 1**

- 1) 30 miles per hour speed limit study**
- 2) Tree grates, but no other landscaping**
- 3) No blockage on signalized intersection**
- 4) Pedestrian crossing**
- 5) Bike racks**

**End**

Handout or Reference Materials:

1. Resolution distributed on the floor amended by Commissioner Tobin

**7:59:02 p.m.**

R9D Discussion Regarding Conversion Of Above Ground Utilities To Undergrounding.  
(City Manager's Office)

**ACTION:** Bob Middaugh, Assistant City Manager, introduced the item. Discussion held.

**Motion made by Commissioner Tobin to authorize the City Manager to engage counsel to represent the City in front of the Public Service Commission (PSC) and to involve the State and Federal lobbyists; seconded by Commissioner Wolfson; Voice vote: 7-0.**

**Vice-Mayor Gross suggested that the City hires an outside contractor to be responsible for the three conduits into one trench, paid by the Homeowner Associations, and use the same contractor to manage the other islands.**

Jorge Gonzalez, City Manager, stated that he will review the ideas and will get back to the City Commission via an LTC.

Hans Muller spoke.

Aletha Player, FPL representative, stated that their goal is to work with any of the municipalities that want to convert from overhead to underground utilities. They support the interest expressed by Miami Beach and want to work with the City officials and the residents to achieve this goal. FPL has over twenty underground conversion projects in different stages at different counties. As they work with their municipal partners, they are reviewing various options to better serve their requests. Their goal is to get the design specifications right the first time to avoid delays on the projects. She added that they will complete the project for Palm Island the first week of June 2008 and will begin the design work for Hibiscus Island shortly after that. After Hibiscus Island, and based on the City's priority, they will begin the project on the two Sunset Islands. In summary, she explained that each project is very different, custom made and the demand for the service can be overwhelming. They are currently working on improving their engineering tools to be able to deliver these projects sooner. She explained that they are working each island individually, not collectively, and anticipates that the project will be completed in September or October, 2008.

Discussion continued.

Commissioner Tobin asked questions regarding the completion of the projects, in specific the projects for Palm and Hibiscus Islands by June. Discussion continued.

Aletha Player, FPL representative, explained that the City decided to start with Palm and upon completion they will start work on Hibiscus.

John Lehr, FPL Engineer, in answering Commissioner Tobin's questions, explained that FPL provides preliminary layout and it takes 10 to 16 weeks after that to deliver the final project but he did not know the total man hours that it took for each project.

Discussion continued.

Commissioner Tobin stated that residents of Palm and Hibiscus at a meeting that he attended were under the impression that by the end of June these projects would be completed, and expressed his disappointment that this is not happening.

John Lehr, FPL Engineer, spoke.

Discussion continued.

Commissioner Tobin requested an estimated total number of hours that it physically takes to complete a project.

John Lehr, FPL Engineer, spoke.

Aletha Player, Florida Power and Light (FPL) representative, stated "*we get it*", "*we get it*", and added that they understand that there is an urgency on the part of the residents and the Commission to speed up this process. They do not have all the answers today, but they are having internal discussions to try and find a way to improve the delivery of these products.

Discussion continued.

Hans Muller urged and respectfully suggested that the City Commission take this issue to the Public Service Commission on behalf of the residents of Palm and Hibiscus Islands.

Discussion continued.

Tim Hemstreet, Assistant City Manager, spoke.

Patricia Walker, Chief Financial Officer, spoke.

Discussion continued.

Hans Muller spoke.

Commissioner Weithorn expressed her concerns regarding timeframes and borrowing issues and stated that the dates have not been scheduled yet; she also asked if there is another option to work with FPL and added that ten years is a long time for this neighborhood to wait and is unfair to the residents.

Bob Middaugh, Assistant City Manager, spoke.

Discussion continued.

Jorge Gonzalez, City Manager, asked if it will help if the Administration, City Commission or Mr. Muller call FPL to request additional resources for this project in order to expedite it.

Aletha Player, FPL representative, stated again.... "*we get it*", "*we get it*"..., and added that they are looking at other options to speed up the process in order to deliver the products earlier. The other options that they are looking at include additional engineering resources and computer resources so the projects are not so manually intensive process. She added that there are ongoing internal discussions among the senior executives of FPL but she does not have the answers today. She would like to get back to the City Manager as soon as she can, perhaps next week, and if necessary come back to render a status report.

Discussion continued.

**Motion made by Commissioner Tobin to authorize Jorge Gonzalez, City Manager, to engage counsel to represent the City in front of the Public Service Commission (PSC); seconded by Commissioner Wolfson; Voice vote: 7-0.**

Jose Smith, City Attorney, stated that they have identified counsel who is part of a consortium that has appeared in front of the Public Service Commission (PSC) and has represented other cities. He will come back with the information. **Legal Department to handle.**

**Amendment:**

**Commissioner Tobin added that the City needs to hire a lobbyist or coordinate this with the State and Federal lobbyists group in Tallahassee.**

**End**

Discussion continued.

Dave McBride, Atlantic Broadband representative, spoke.

Discussion continued.

Aletha Player, FPL representative, added, for the record, that FPL will continue to explore the options available and will communicate to the City Manager next week.

Discussion continued.

Dave McBride, Atlantic Broadband representative, spoke.

Discussion continued.

Tim Rose, Executive Director for the Palm and Hibiscus Islands, stated that they are prepared to move forward with three trenches as long as the project moves forward.

Discussion continued.

**Vice-Mayor Gross suggested that the City hires an outside contractor to be responsible for the three conduits into one trench, paid by the Homeowner Associations, and use the same contractor to manage the other islands.**

Jorge Gonzalez, City Manager, stated that he will review the ideas and will get back to the City Commission via an LTC.

Discussion continued.

John Lear, FPL representative, stated that if it is decided to go with the one trench, the City of Miami Beach will be responsible to place the conduits in for FPL, the telephone company and the cable company. FPL will provide the conduit but the City has to take the responsibility to construct it. FPL will design it and pull the wires.

Discussion continued.

John Lear, FPL representative, clarify that if they locate the facilities within the public rights-of-ways, the documents right-of-way agreement have to be signed by the City of Miami Beach.

Discussion continued.

Mayor Bower requested an updated report.



**Reports and Informational Items**

- A City Attorney's Status Report.  
(City Attorney's Office)

**ACTION: Written report submitted.**

- B Parking Status Report.  
(Parking Department)

**ACTION: Written report submitted.**

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- D Status Report On The Construction Of The Normandy Shores Golf Course And Facilities.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

**9:20:12 p.m.**

F Update On Public Baywalk.

(Public Works)

**ACTION: Written report submitted.**

Jose Smith, City Attorney, stated that The Waverly received their building permit last week and they are on their way to DERM and the Corps of Engineers and should be working within 30 days.

Jorge Gonzalez, City Manager, reported that there is no change on The Flamingo and the Bentley Bay did not have a requirement to have a public easement for a baywalk, however, the Administration anticipates they are coming for a regulatory review of their commercial areas and at that time the instructions to the Planning Department are to have a conversation about publicly opening the baywalk, including the removal of the wall.

Jose Smith, City Attorney, stated that there is an appeal before the 11<sup>th</sup> Circuit at the end of May and the Special Master hearing is also at the end of May.

Mike Burke spoke. He asked the following questions regarding The Waverly, The Flamingo, and the Bentley Bay:

1. Is there a fine? If so, how much? When was it imposed and why?
2. Is there a definition of what a natural baywalk is?
3. Was the fence installed before or after the excavation of the baywalk behind The Waverly?

**10:14:08 a.m.**G Report On The 2008 Session Of The Florida Legislative.  
(Economic Development)**ACTION: Written report submitted.**

Gary Rutledge gave an oral report on the 2008 Legislative Session.

Fausto Gomez spoke.

City Clerk's note: A full written report on the 2008 Legislative Session is being prepared by the City's lobbyists and transmitted via LTC. **Kevin Crowder to handle.**

H Non-City Entities Represented By City Commission:

1. Minutes From The Miami-Dade Metropolitan Planning Organization Governing Board Meeting On March 20, 2008. (Page 332)  
(Requested by Commissioner Richard L. Steinberg)

**ACTION: Written report submitted.**

2. Minutes From The Miami-Dade League Of Cities Meetings On March 6, 2008 And April 3, 2008. (Page 340)  
(Requested by Commissioners Richard L. Steinberg & Deede Weithorn)

**ACTION: Written report submitted.****End of Regular Agenda**

**Miami Beach Redevelopment Agency****City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****May 14, 2008**

Chairperson of the Board Matti Herrera Bower

Member of the Board Saul Gross

Member of the Board Jerry Libbin

Member of the Board Richard L. Steinberg

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Tim Hemstreet

General Counsel Jose Smith

Secretary Robert E. Parcher

**AGENDA****1. OLD BUSINESS**

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of March 2008.

(Finance Department)

**ACTION: Written report submitted.****5:03:38 p.m.****2. NEW BUSINESS**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Approving And Authorizing The Appropriation Of Funds, In The Amount Of \$700,000, From City Center RDA Non-TIF Funds For Professional Architectural And Engineering Services (The "A/E Services"), Construction, And Contingency To Restore The Washington Avenue Bridge's Structural Integrity; With Funding To Be Reimbursed By Miami-Dade County Road Impact Fee (RIF) Funds. **Joint City Commission And Redevelopment Agency**

**ACTION: Item heard in conjunction with item R7J. Resolution No. 557-2008 approved.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Patricia Walker to appropriate the funds.**

**End of RDA Agenda**

Meeting adjourned at 9:48:20 p.m.